

### Asbestos

You know that the community of Libby has struggled with the direct health impacts of asbestos, with the highest rate of asbestos-related diseases in the country. This matter is deadly serious. Your asbestos evaluation scoping document cited evidence from the National Toxicology Program, the International Agency for Research on Cancer, the Agency for Toxic Substances and Disease Registry, as well as past work from the EPA. These reports lay out the truth: asbestos causes mesothelioma, and a whole variety of cardiovascular, pulmonary, immunodeficiency diseases. People are losing their lives.

**Tester Q1:** If the agency is still on track to finalize its evaluation in December of 2019, what is the absolute soonest asbestos could be pulled from the market? Do you believe that taking asbestos of the market before then would save lives?

#### Answer:

The Agency is on track to finalize the risk evaluation for asbestos as required by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act. Upon completion of the risk evaluation, if unreasonable risk is identified, EPA is required to take action to propose a Section 6(a) rule within one year of the completion of the risk evaluation and to publish a final rule within one additional year (extendable in the aggregate for two additional years).

In addition to the risk evaluation, on June 11<sup>3</sup>, 2018, EPA proposed a Significant New Use Rule for certain uses of asbestos (including asbestos-containing goods) that would require manufacturers and importers to receive EPA approval before starting or resuming manufacturing, and importing or processing, new uses of asbestos. ~~This review process would provide EPA with the opportunity to evaluate the intended use of~~ Under this review process, EPA will evaluate the conditions of use of asbestos and, when necessary, take action to prohibit or limit the use. The Proposed Rule may be found at [ [HYPERLINK "https://www.federalregister.gov/documents/2018/06/11/2018-12513/asbestos-significant-new-use-rule"](https://www.federalregister.gov/documents/2018/06/11/2018-12513/asbestos-significant-new-use-rule) ] [ [HYPERLINK "https://www.epa.gov/asbestos/federal-register-notice-proposed-snur-asbestos"](https://www.epa.gov/asbestos/federal-register-notice-proposed-snur-asbestos) ] and is available for public comment until August 10, 2018 (Docket: [ [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPPT-2018-0159-0001"](https://www.regulations.gov/document?D=EPA-HQ-OPPT-2018-0159-0001) ] ).

**Commented [AS1]:** The draft response doesn't seem to address this portion.

**Commented [SG2R1]:** OCSPP DAA – Additional language not necessary

**Commented [AS3]:** Since the question is about how soon action could be taken, a sentence could also be added recognizing Section 6(d)(3), which authorizes a Section 6(a) proposed rule to be effective and compliance required upon publication of the proposed rule in the Federal Register under certain circumstances.

**Commented [SG4R3]:** OCSPP DAA – Additional language not necessary

**Commented [AS5]:** The "opportunity"-type language is the pre-TSCA Reform formulation. I've updated with language from the SNUR.

**Commented [SG6R5]:** OCSPP DAA - Edits rejected, see additional edits.

**Commented [AS7]:** We should link to the official, Federal Register version (not this prepublication version). The Federal Register version is at: [ [HYPERLINK "https://www.federalregister.gov/documents/2018/06/11/2018-12513/asbestos-significant-new-use-rule"](https://www.federalregister.gov/documents/2018/06/11/2018-12513/asbestos-significant-new-use-rule) ]

**Commented [SG8R7]:** Edit made